

Panaji, 9th February, 1978 (Magha 20, 1899)

SERIES I No. 45

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

1-6-78-DIV. I

The following rules relating to the recruitment to the Group 'A' Gazetted posts in the Directorate of Education under the Government of Goa, Daman and Diu are hereby notified.

1. **Short title.** — These rules may be called Government of Goa, Daman and Diu Directorate of Education Group 'A' Gazetted posts Recruitment Rules, 1978.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time;
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment unless the Government, after having been satisfied that there are special grounds for doing so exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointment to the various posts made on or after this date.

6. These rules are issued in supersession of rules existing for the posts and with approval of the Union Public Service Commission granted under their letter No. F. 3/29(11)/74-RR dated 19th January, 1978.

By order and in the name of the Administrator of Goa, Daman and Diu.

Chaman Lal

Joint Secretary

Panaji, 2nd February, 1978.

SCHEDULE

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SERIES I No. 45

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a DPC exists, what is its composition	Circumstances in which U. P. S. C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Dy. Director of Education	2	General Central Service Group 'A' Gazetted	Rs. 1300-50-1700	Selection	Not exceeding 50 years (Relaxable for Govt. servants). Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman & Nicobar Islands and Lakshadweep)	<p>Essential:</p> <p>i) At least Second Class Master's degree of a recognised University or equivalent.</p> <p>ii) Degree in teaching/education of a recognised University or equivalent.</p> <p>iii) 12 years' teaching experience in a High/Higher Secondary School or a Teachers' Training Institute, including at least 5 years' experience in a responsible administrative capacity.</p> <p align="center">OR</p> <p>9 years' experience in the field of Educational Administration in a responsible administrative capacity.</p> <p>Note 1: Qualifications are relaxable at the Commission's discretion in case of candidate otherwise well qualified.</p> <p>Note 2: The qualification regarding experience is relaxable at the Commission's discretion in case of candidates belonging to Scheduled Castes or Scheduled Tribes if, at any stage of selection, the Union Public Service Commission is of the opinion that sufficient number of</p>	Age: No Educational Qualifications: To the extent indicated in column 11	2 years	By promotion failing which by transfer on deputation and failing both by Direct recruitment.	<p>Promotion:</p> <p>Educational Inspectors/Inspectors of Schools with 3 years' service in the grade rendered after appointment thereto on a regular basis and possessing a Master's Degree in Education of a recognised University or equivalent.</p> <p>Transfer on deputation:</p> <p>Officers of the Central/State Govt. holding analogous posts. (Period of deputation shall ordinarily not exceed 3 years).</p>	<p>Group 'A' D.P.C. Comprising</p> <p>1. Chairman or a Member Union Public Service Commission — Chairman</p> <p>2. Chief Secretary — Member,</p> <p>3. Administrative Secretary — Member.</p>	The Commission shall be consulted in making direct recruitment, promotion and appointing an officer of a State Govt. on deputation.

candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

Desirable:

Knowledge of Marathi, Konkani or Gujarati.

2. Educational Inspector/Inspector of Schools	4	— do — Rs. 1200-50-1600	Selection	Not exceeding 45 years (Relaxable for Govt. servants); <i>Note:</i> The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman & Nicobar Islands and Lakshadweep)	<p><i>Essential:</i></p> <p>i) At least Second Class Master's degree of a recognised University or equivalent.</p> <p>ii) Degree in teaching/education of a recognised University or equivalent.</p> <p>iii) 10 years' teaching experience in a High/Higher Secondary School or a Teachers' Training Institute, including at least 3 years' experience in a responsible administrative capacity.</p> <p>OR</p> <p>7 years' experience of Educational Administration in a responsible administrative capacity.</p> <p><i>Note 1:</i> Qualifications are relaxable at the Commission's discretion in case of candidates otherwise well qualified.</p> <p><i>Note 2:</i> The qualification regarding experience is relaxable at the Commission's discretion in case of candidates belonging to Scheduled Castes or Scheduled Tribes if, at any stage of selection, the Union Public Service Commission is of the opinion that sufficient number of</p>	Age: No Educational Qualifications: To the extent indicated in column 11	— do —	By promotion failing which by transfer on deputation and failing both by direct recruitment.	<p><i>Promotion:</i></p> <p>(i) Deputy Inspector of Schools,</p> <p>(ii) Principal, Teachers' Training College/Higher Secondary School,</p> <p>(iii) Social Education Officer and</p> <p>(iv) Education Officer with 2 years' service in the grade rendered after appointment thereto on a regular basis and possessing a Master's Degree and Degree in Education of a recognised University or equivalent.</p> <p><i>Transfer on deputation:</i></p> <p>Officers of the Central/State Governments holding analogous posts. (Period of deputation shall ordinarily not exceed 3 years).</p>	<p>Group 'A' D.P.C. comprising</p> <p>1. Chairman or a Member Union Public Service Commission — Chairman</p> <p>2. Chief Secretary — Member,</p> <p>3. Administrative Secretary — Member.</p>	The Commission shall be consulted in making direct recruitment, promotion and appointing an officer of a State Govt. on deputation.
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Law Department (Legal Advice)

Notification

LD/303/78

The following Central Act The Water (Prevention and Control of Pollution) Cess Act, 1977 which was recently passed by the Parliament and assented to by the President of India on 7-12-77 and published in the Gazette of India Part II, Section I dated 7-12-77 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 21st January, 1978.

The Water (Prevention and Control of Pollution) Cess Act, 1977

Act No. 36 of 1977

AN

ACT

to provide for the levy and collection of a cess on water consumed by persons carrying on certain industries and by local authorities, with a view to augment the resources of the Central Board and the State Boards for the prevention and control of water pollution constituted under the Water (Prevention and Control of Pollution) Act, 1974.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title, extent, application and commencement.*—(1) This Act may be called the Water (Prevention and Control of Pollution) Cess Act, 1977.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) Subject to the provisions of sub-section (2), it applies to all the States to which the Water (Prevention and Control of Pollution) Act, 1974 applies 6 of 1974. and the Union territories.

(4) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “local authority” means a municipal corporation or a municipal council (by whatever name called) or a cantonment board or any other body, entrusted with the duty of supplying water under the law by or under which it is constituted;

(b) “prescribed” means prescribed by rules made under this Act;

(c) “specified industry” means any industry specified in Schedule I;

(d) words and expressions used but not defined in this Act and defined in the Water (Prevention and Control of Pollution) Act, 1974 shall have the meanings respectively assigned to them in that Act. 6 of 1974.

candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

Desirable:

i) Experience as an Inspecting Officer in the field of education.

ii) Knowledge of Marathi, Konkani or Gujarati.

3. *Levy and collection of cess.* — (1) There shall be levied and collected a cess for the purposes of the Water (Prevention and Control of Pollution) Act, 1974 and utilisation thereunder. 6 of 1974.

(2) The cess under sub-section (1) shall be payable by —

(a) every person carrying on any specified industry; and

(b) every local authority,

and shall be calculated on the basis of the water consumed by such person or local authority, as the case may be, for any of the purposes specified in column (1) of Schedule II, at such rate, not exceeding the rate specified in the corresponding entry in column (2) thereof, as the Central Government may, by notification in the Official Gazette, from time to time, specify.

(3) Where any local authority supplies water to any person carrying on any specified industry or to any other local authority and such person or other local authority is liable to pay cess under sub-section (2) in respect of the water so supplied, then, notwithstanding anything contained in that sub-section, the local authority first mentioned shall not be liable to pay such cess in respect of such water.

Explanation. — For the purposes of this section and section 4, "consumption of water" includes supply of water.

4. *Affixing of meters.* — (1) For the purpose of measuring and recording the quantity of water consumed, every person carrying on any specified industry and every local authority shall affix meters of such standards and at such places as may be prescribed and it shall be presumed that the quantity indicated by the meter has been consumed by such person or local authority, as the case may be, until the contrary is proved.

(2) Where any person or local authority fails to affix any meter as required by sub-section (1), the Central Government shall, after notice to such person or local authority, as the case may be, cause such meter to be affixed and the cost of such meter together with the cost for affixing the meter may be recovered from such person or local authority by the Central Government in the same manner as an arrear of land revenue.

5. *Furnishing of returns.* — Every person carrying on any specified industry and every local authority, liable to pay the cess under section 3, shall furnish such returns, in such form, at such intervals and containing such particulars to such officer or authority, as may be prescribed.

6. *Assessment of cess.* — (1) The officer or authority to whom or which the returns has been furnished under section 5 shall, after making or causing to be made such inquiry as he or it thinks fit and after satisfying himself or itself that the particulars stated in the return are correct, by order, assess the amount of cess payable by the concerned person carrying on any specified industry or local authority, as the case may be.

(2) An order of assessment made under sub-section (1) shall specify the date within which the cess shall be paid to the State Government.

(3) A copy each of the order of assessment made under sub-section (1) shall be sent to the person or, as the case may be, to the local authority concerned and to the State Government.

(4) The State Government shall, through such of its officers or authorities as may be specified by it in this behalf by notification in the Official Gazette, collect the cess from the person or local authority liable to pay the same and pay the amount so collected to the Central Government in such manner and within such time as may be prescribed.

7. *Rebate.* — Where any person or local authority, liable to pay the cess under this Act, installs any plant for the treatment of sewage or trade effluent, such person or local authority shall, from such date as may be prescribed, be entitled to a rebate of seventy per cent. of the cess payable by such person or, as the case may be, local authority.

8. *Crediting proceeds of cess to Consolidated Fund of India and application thereof.* — The proceeds of the cess levied under section 3 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament, by appropriation made by law in this behalf, so provides, pay to the Central Board and every State Board, from time to time, from out of such proceeds, after deducting the expenses on collection, such sums of money as it may think fit for being utilised under the Water (Prevention and Control of Pollution) Act, 1974: 6 of 1974.

Provided that while determining the sum of money to be paid to any State Board under this section, the Central Government shall have regard to the amount of cess collected by the State Government concerned under sub-section (4) of section 6.

Explanation. — For the purposes of this section, "State Board" includes a Joint Board, if any, constituted under section 13 of the Water (Prevention and Control of Pollution) Act, 1974. 6 of 1974.

9. *Power of entry.* — Any officer or authority of the State Government specially empowered in this behalf by that Government may, —

(a) with such assistance, if any, as he or it may think fit, enter at any reasonable time any place which he or it considers it necessary to enter for carrying out the purposes of this Act including the testing of the correctness of the meters affixed under section 4;

(b) do within such place anything necessary for the proper discharge of his or its duties under this Act; and

(c) exercise such other powers as may be prescribed.

10. *Interest payable for delay in payment of cess.* — If any person carrying on any specified industry or any local authority fails to pay any amount of cess payable under section 3 to the State Government

within the date specified in the order of assessment made under section 6, such person or local authority, as the case may be, shall be liable to pay interest at twelve per cent. per annum on the amount to be paid from the date on which such payment is due till such amount is actually paid.

11. Penalty for non-payment of cess within the specified time. — If any amount of cess payable by any person carrying on any specified industry or any local authority under section 3 is not paid to the State Government within the date specified in the order of assessment made under section 6, it shall be deemed to be in arrears and the authority prescribed in this behalf may, after such inquiry as it deems fit, impose on such person or, as the case may be, local authority, a penalty not exceeding the amount of cess in arrears:

Provided that before imposing any such penalty, such person or, as the case may be, the local authority shall be given a reasonable opportunity of being heard and if after such hearing the said authority is satisfied that the default was for any good and sufficient reason, no penalty shall be imposed under this section.

12. Recovery of amount due under the Act. — Any amount due under this Act (including any interest or penalty payable under section 10 or section 11, as the case may be) from any person carrying on any specified industry or from any local authority may be recovered by the Central Government in the same manner as an arrear of land revenue.

13. Appeals. — (1) Any person or local authority aggrieved by an order of assessment made under section 6 or by an order imposing penalty made under section 11 may, within such time as may be prescribed, appeal to such authority in such form and in such manner as may be prescribed.

(2) Every appeal preferred under sub-section (1) shall be accompanied by such fees as may be prescribed.

(3) After the receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

(4) Every order passed in appeal under this section shall be final and shall not be called in question in any court of law.

14. Penalty. — (1) Whoever, being under an obligation to furnish a return under this Act, furnishes any return knowing, or having reason to believe, the same to be false shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) Whoever, being liable to pay cess under this Act, wilfully or intentionally evades or attempts to evade the payment of such cess shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(3) No court shall take cognizance of an offence punishable under this section save on a complaint

made by or under the authority of the Central Government.

15. Offences by companies. — (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. — For the purposes of this section, —

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

16. Power to amend Schedule I. — (1) The Central Government may, by notification in the Official Gazette, add to Schedule I any industry having regard to the consumption of water in the carrying on of such industry and the consequent discharge thereof resulting in pollution of any stream and thereupon Schedule I shall, subject to the provisions of sub-section (2), be deemed to be amended accordingly.

(2) Every such notification shall be laid before each House of Parliament, if it is sitting, as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People, and if Parliament makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

17. Power to make rules. — (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(a) the standards of the meters to be affixed and the places at which such meters are to be affixed under sub-section (1) of section 4;

(b) the returns to be furnished under section 5, the form in which and the intervals at which such returns are to be furnished, the particulars which such returns shall contain and the officer or authority to whom or which such returns shall be furnished;

(c) the manner in which and the time within which the cess collected shall be paid to the Central Government under sub-section (4) of section 6;

(d) the date from which any person or local authority liable to pay cess shall be entitled to the rebate under section 7;

(e) the powers which may be exercised by the officer or authority under section 9;

(f) the authority which may impose penalty under section 11;

(g) the authority to which an appeal may be filed under sub-section (1) of section 13 and the time within which and the form and manner in which such appeal may be filed;

(h) the fees which shall accompany an appeal under sub-section (2) of section 13; and

(i) any other matter which has to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SCHEDULE I

[See section 2(c)]

1. Ferrous metallurgical industry.
2. Non-ferrous metallurgical industry.
3. Mining industry.
4. Ore processing industry.
5. Petroleum industry.
6. Petro-chemical industry.
7. Chemical industry.
8. Ceramic industry.
9. Cement industry.
10. Textile industry.
11. Paper industry.
12. Fertilizer industry.
13. Coal (including coke) industry.
14. Power (thermal and diesel) generating industry.
15. Processing of animal or vegetable products industry.

SCHEDULE II

(See section 3)

Purpose for which water is consumed	Maximum rate
(1)	(2)
1. Industrial cooling, spraying in mine pits or boiler feed.	Three-fourths of a paisa, per kilo litre.
2. Domestic purpose.	One paisa, per kilo litre.
3. Processing whereby water gets polluted and the pollutants are easily bio-degradable.	Two paise, per kilo litre.
4. Processing whereby water gets polluted and the pollutants are not easily bio-degradable and are toxic.	Two and a half paise, per kilo litre.

Notification

LD/360/78

The following Central Act The Companies (Amendment) Act, 1977 which was recently passed by the Parliament and assented to by the President of India on 24-12-1977 and published in the Gazette of India Part II, Section I dated 24-12-1977 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 21st January, 1978.

The Companies (Amendment) Act, 1977

No. 46 of 1977

[24th December, 1977]

AN

ACT

further to amend the Companies Act, 1956.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Companies (Amendment) Act, 1977.

2. *Amendment of section 10E.*— In the Companies Act, 1956 (hereinafter referred to as the principal Act), in section 10E, in sub-section (4D), for the words and figures "Chapter XXXV of the Code of Criminal Procedure, 1898", the words and figures "Chapter XXVI of the Code of Criminal Procedure, 1973" shall be substituted.

3. *Amendment of section 58A.*— In section 58A of the principal Act, after sub-section (7), but before the *Explanation*, the following sub-section shall be inserted, namely:—

"(8) The Central Government may, if it considers it necessary for avoid-

ing any hardship or for any other just and sufficient reason, by order, issued either prospectively or retrospectively from a date not earlier than the commencement of the Companies (Amendment) Act, 1974, grant extension of time to a company or class of companies to comply with, or exempt any company or class of companies from, all or any of the provisions of this section either generally or for any specified period subject to such conditions as may be specified in the order: 41 of 1974.

Provided that no order under this sub-section shall be issued in relation to a class of companies except after consultation with the Reserve Bank of India."

4. *Amendment of section 108H.*—In section 108H of the principal Act, the words, figures, letters and brackets 'and, any reference in sections 108A, 108B and 108C to "same management" shall be construed as a reference to "same management" as defined in clause (g) of section 2 of the Monopolies and Restrictive Trade Practices Act, 1969' shall be inserted at the end. 54 of 1969.

5. *Amendment of section 220.*—In section 220 of the principal Act, —

(i) in sub-section (1), after the words "balance sheet and the profit and loss account were so laid", the words "or where the annual general meeting of a company for any year has not been held, there shall be filed with the Registrar within thirty days from the latest day on or before which that meeting should have been held in accordance with the provisions of this Act," shall be inserted;

(ii) in sub-section (2), after the words "does not adopt the balance sheet", the words "or, if the annual general meeting of a company for any year has not been held," shall be inserted.

6. *Amendment of section 293.*—In section 293 of the principal Act, in sub-section (1), in clause (e), for the words "twenty-five thousand rupees", the words "fifty thousand rupees" shall be substituted.

7. *Amendment of section 620.*—In section 620 of the principal Act, for sub-section (2), the following sub-section shall be substituted and shall be deemed

to have been substituted with effect from the 1st day of February, 1975, namely: —

"(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses."

8. *Insertion of new section 634A.*—After section 634 of the principal Act, the following section shall be inserted, namely: —

"634A. *Enforcement of orders of Company Law Board.*—Any order made by the Company Law Board under section 17, section 18, section 19, section 79, section 141 or section 186 may be enforced by that Board in the same manner as if it were a decree made by a Court in a suit pending therein, and it shall be lawful for that Board to send, in the case of its inability to execute such order, to the Court within the local limits of whose jurisdiction, —

(a) in the case of an order against a company, the registered office of the company is situated, or

(b) in the case of an order against any other person, the person concerned voluntarily resides, or carries on business or personally works for gain."

9. *Amendment of section 635.*—In section 635 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely: —

"(4) Where any order made by the Company Law Board under section 17, section 18, section 19, section 79 or section 186 is required to be enforced by a Court, a certified copy of the order shall be produced to the proper officer of the Court required to enforce the order and the provisions of sub-sections (2) and (3) shall, as far as may be, apply to every such order in the same manner and to the same extent as they apply to an order made by a Court."

S. HARIHARA IYER,

Jt. Secy. to the Govt. of India.